

U.S. District Court
Southern District of New York (White Plains)
CRIMINAL DOCKET FOR CASE #: 7:23-mj-02171-UA-1 *SEALED*
Internal Use Only

Case title: USA v. SEALED

Date Filed: 03/16/2023

Assigned to: Judge Unassigned

Defendant (1)**Conor Brian Fitzpatrick**

represented by **Benjamin David Gold**
Federal Defenders of New York Inc.
(White Plains)
300 Quarropas Street
White Plains, NY 10601
914-355-8077
Email: ben_gold@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

18:1029B.F----ATTEMPTS TO COMMIT
AN OFFENSE

Disposition**Plaintiff**

USA

represented by **James Franklin McMahon**

US Attorneys Office

300 Quarropas Street

White Plains, NY 10601

(914) 993-1936

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Email: james.mcmahon@usdoj.gov

LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Designation: Assistant US Attorney*

Date Filed	#	Docket Text
03/16/2023	<u>1</u>	RULE 5(c)(3) AFFIDAVIT of John Longmire, Special Agent with FBI, from the United States District Court - Southern District of New York, as to Conor Brian Fitzpatrick. (Signed by Magistrate Judge Paul E. Davison on 3/16/2023) (ap) (Entered: 03/17/2023)
03/16/2023		Arrest (Rule 5(c)(3)) of Conor Brian Fitzpatrick. (ap) (Entered: 03/17/2023)
03/16/2023	<u>2</u>	Minute Entry for proceedings held before Magistrate Judge Paul E. Davison: Initial Appearance in Rule 5(c)(3) Proceedings as to Conor Brian Fitzpatrick held on 3/16/2023. Appearance entered by James Franklin McMahon for USA. Benjamin David Gold for Conor Brian Fitzpatrick on behalf of defendant. Bond Hearing as to Conor Brian Fitzpatrick held on 3/16/2023. BAIL DISPOSITION: SEE TRANSCRIPT. AGREED CONDITIONS OF RELEASE. \$300,000 PRB; 2 FRP; TRAVEL RESTRICTED TO SDNY/EDNY; SURRENDER TRAVEL DOCUMENTS (& NO NEW APPLICATIONS); PRETRIAL SUPERVISION: AS DIRECTED BY PRETRIAL SERVICES; DEF. TO CONTINUE OR SEEK EMPLOYMENT [OR] DEF. TO CONTINUE OR START EDUCATION PROGRAM; DEF. TO BE RELEASED ON OWN SIGNATURE. Initial appearance of Conor Fitzpatrick. Defendant present with Ben Gold, Federal Defenders. AUSA James McMahon present for the Government. Pretrial Services Officer Shannon Finneran present. The defendant was advised of his rights and the charges against him and waives public reading. Financial affidavit is approved and Ben Gold is appointed as counsel. Defendant release on agreed upon bail conditions. \$300,000.00 PRB to be cosigned by defendant's parents by COB on 3/20/23. Defendant to appear in the Eastern District of Virginia on March 24, 2023 at 12 pm. See appearance bond. See transcript. IDENTITY HEARING WAIVED; DEFENDANT TO BE REMOVED. (Court Reporter Courtflow) (ap) (Entered: 03/17/2023)
03/16/2023	3	CJA 23 Financial Affidavit by Conor Brian Fitzpatrick. APPROVED. (Signed by Magistrate Judge Paul E. Davison) (ap) (Entered: 03/17/2023)
03/16/2023	<u>4</u>	UNSECURED APPEARANCE BOND Entered as to Conor Brian Fitzpatrick in amount of \$300,000.00, Co-signed by 2 FRP, Defendant's parents by COB 3/20/23, The defendant must appear at: Eastern District of Virginia 3/24/2023 12:00 pm. The defendant must: submit to supervision by and report for supervision to the PRETRIAL SERVICES As Directed; surrender any passport to:PRETRIAL SERVICES; not obtain a passport or other international travel document; abide by the following restrictions on personal association, residence, or travel: SDNY/EDNY and the Eastern District of Virginia for court appearances; avoid all contact, directly or indirectly, with any person

		who is or may be a victim or witness in the investigation or prosecution, including: No contact with victims or witnesses in this investigation No contact with codefendants or coconspirators in this investigation; get medical or psychiatric treatment; not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner. \$300,000.00 PRB To be cosigned by 2 FRP (defendant's parents) by COB Monday 3/20/23; Pretrial Services supervision as directed; Travel restricted to the Southern and Eastern Districts of New York and Eastern District of Virginia for court/attorney purposes, with prior notification to Pretrial Services; Surrender travel documents/Make no applications for travel documents; Mental health evaluation & treatment as directed by Pretrial Services; No contact with victims or witnesses in this investigation; No contact with codefendants or coconspirators in this investigation; Not to possess the personal identification information of others, including at any place of employment; Not to open any new lines of credit, bank accounts, cryptocurrency accounts and credit cards without prior approval from Pretrial Services; Maintain or actively seek employment and/or enroll in an educational/vocational program; Refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. 802, unless prescribed by a licensed medical practitioner; Shall not access the BreachForum website; Shall have no knowing contact with BreachForum users or co-conspirators unless supervised by counsel; Defendant is to appear in the Eastern District of Virginia on March 24, 2023 by noon. (ap) Modified on 3/21/2023 (ap). (Entered: 03/17/2023)
03/20/2023	5	SEALED DOCUMENT placed in vault. (lnl) (Entered: 03/20/2023)

Approved:


JAMES MCMAHON
Assistant United States Attorney

Before: HONORABLE PAUL E. DAVISON
United States Magistrate Judge
Southern District of New York

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA :

-v.- :

CONOR BRIAN FITZPATRICK, :

Defendant. :
-----X

23 Mag. 2171
RULE 5(c)(3) AFFIDAVIT

SOUTHERN DISTRICT OF NEW YORK, ss:

John Longmire, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI") and charges as follows:

At approximately 4:30 PM on March 15, 2023, I led a team of law enforcement agents that made a probable cause arrest of the defendant in Peekskill, New York. Thereafter, I swore out a criminal complaint on that day in the United States District Court for the Eastern District of Virginia in which I formally charged the defendant with one count of conspiracy to solicit individuals with the purpose of selling unauthorized access devices, in violation of Title 18, United States Code, Section 1029(b)(2). A copy of the complaint is attached.

I believe that CONOR BRIAN FITZPATRICK, the defendant, is the same individual as the "Conor Brian Fitzpatrick," a/k/a "pompompurin" named in the Complaint.

The bases for my knowledge and for the foregoing charges are, in part, as follows:

1. I have been a Special Agent with the Federal Bureau of Investigation ("FBI") for over 16 years. I am


currently assigned to the FBI's Washington Field Office Cyber Task Force, where I am responsible for conducting and assisting in investigations into the activities of individuals and criminal groups responsible for cyber-crimes, including, cyber intrusions, online money laundering, criminal cryptocurrency usage, and criminal online forums.

2. I have personally been involved in the investigation of the defendant, as well as in determining whether the defendant is the same individual I charged in the Complaint. Because this Affidavit is being submitted for the limited purpose of establishing the identity of the defendant, I have not included in this Affidavit each and every fact that I have learned relating to the defendant. Where I report statements made by others, those statements are described in substance and in part, unless otherwise noted.

3. When I arrested the defendant on March 15, 2023, he stated to me in substance and in part that: a) his name was Conor Brian Fitzpatrick; b) he used the alias "pompompurin," and c) he was the owner and administrator of "BreachForums," the data breach website referenced in the Complaint. The defendant made these statements after being advised of his rights under *Miranda v. Arizona*, 384 U.S. 436 (1966).

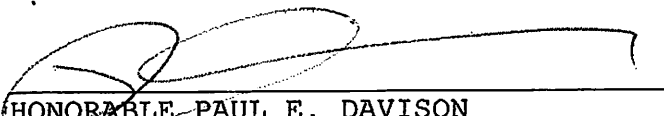
4. Based on the foregoing information, I believe that CONOR BRIAN FITZPATRICK, the defendant, is the same individual as the CONOR BRIAN FITZPATRICK, a/k/a "pompompurin," named in the Complaint.

WHEREFORE, deponent prays that CONOR BRIAN FITZPATRICK, the defendant, be bailed or imprisoned, as the case may be.



John Longmire
Special Agent
Federal Bureau of Investigation

Sworn to before me this
15 day of March, 2023



HONORABLE PAUL E. DAVISON
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

DOCKET No. 23MJ2171DEFENDANT CONOR BRIAN FITZPATRICKAUSA JAMES MC MAHONDEF.'S COUNSEL BEN GOLD☐ _____ INTERPRETER NEEDED☐ RETAINED ☒ FEDERAL DEFENDERS ☐ CJA ☐ PRESENTMENT ONLY☐ DEFENDANT WAIVES PRETRIAL REPORT☐ Rule 5 ☐ Rule 9 ☒ Rule 5(c)(3) ☐ Detention Hrg.DATE OF ARREST 3/15/23☐ VOL. SURR.

TIME OF ARREST _____

☐ ON WRIT☐ Other: _____TIME OF PRESENTMENT 3:30 PM
3/16/23**BAIL DISPOSITION**☐ DETENTION ON CONSENT W/O PREJUDICE☐ DETENTION: RISK OF FLIGHT/DANGER☐ SEE SEP. ORDER☐ DETENTION HEARING SCHEDULED FOR: _____☒ SEE TRANSCRIPT☒ AGREED CONDITIONS OF RELEASE☐ DEF. RELEASED ON OWN RECOGNIZANCE☐ \$300,000.00 PRB ☒ 2 FRP☐ SECURED BY \$ _____ CASH/PROPERTY: _____☒ TRAVEL RESTRICTED TO SDNY/EDNY/and Eastern District of Virginia☐ TEMPORARY ADDITIONAL TRAVEL UPON CONSENT OF AUSA & APPROVAL OF PRETRIAL SERVICES☒ SURRENDER TRAVEL DOCUMENTS (& NO NEW APPLICATIONS)☐ PRETRIAL SUPERVISION: ☐ REGULAR ☐ STRICT ☒ AS DIRECTED BY PRETRIAL SERVICES☐ DRUG TESTING/TREATMT AS DIRECTED BY PTS ☒ MENTAL HEALTH EVAL/TREATMT AS DIRECTED BY PTS☐ DEF. TO SUBMIT TO URINALYSIS; IF POSITIVE, ADD CONDITION OF DRUG TESTING/TREATMENT☐ HOME INCARCERATION ☐ HOME DETENTION ☐ CURFEW ☐ ELECTRONIC MONITORING ☐ GPS☐ DEF. TO PAY ALL OF PART OF COST OF LOCATION MONITORING, AS DETERMINED BY PRETRIAL SERVICES☒ DEF. TO CONTINUE OR SEEK EMPLOYMENT [OR] ☒ DEF. TO CONTINUE OR START EDUCATION PROGRAM☐ DEF. NOT TO POSSESS FIREARM/DESTRUCTIVE DEVICE/OTHER WEAPON☐ DEF. TO BE DETAINED UNTIL ALL CONDITIONS ARE MET☒ DEF. TO BE RELEASED ON OWN SIGNATURE, PLUS THE FOLLOWING CONDITIONS: _____

; REMAINING CONDITIONS TO BE MET BY: _____

ADDITIONAL CONDITIONS/ADDITIONAL PROCEEDINGS/COMMENTS:

Initial appearance of Conor Fitzpatrick. Defendant present with Ben Gold, Federal Defenders. AUSA James McMahon present for the Government. Pretrial Services Officer Shannon Finneran present. The defendant was advised of his rights and the charges against him and waives public reading. Financial affidavit is approved and Ben Gold is appointed as counsel. Defendant release on agreed upon bail conditions. \$300,000.00 PRB to be cosigned by defendant's parents by COB on 3/20/23. Defendant to appear in the Eastern District of Virginia on March 24, 2023 at 12 pm. See appearance bond. See transcript. Recorded on Courtflow. 20 minutes.

☐ DEF. ARRAIGNED; PLEADS NOT GUILTY☐ CONFERENCE BEFORE D.J. ON _____☐ DEF. WAIVES INDICTMENT☐ SPEEDY TRIAL TIME EXCLUDED UNDER 18 U.S.C. § 3161(h)(7) UNTIL _____**For Rule 5(c)(3) Cases:**☒ IDENTITY HEARING WAIVED☒ DEFENDANT TO BE REMOVED☐ PRELIMINARY HEARING IN SDNY WAIVED☒ CONTROL DATE FOR REMOVAL: _____

PRELIMINARY HEARING DATE: _____

☐ ON DEFENDANT'S CONSENTDATE: March 16, 2023

 UNITED STATES MAGISTRATE JUDGE, S.D.N.Y.